



**ASSEMBLY AMENDMENT 2,  
TO 2003 ASSEMBLY BILL 442**

November 11, 2003 – Offered by Representative ALBERS.

1           At the locations indicated, amend the bill as follows:

2           **1.** Page 3, line 6: delete lines 6 to 11 and substitute:

3           “59.694 **(3m)** QUORUM, RECONSIDERATION REQUIREMENTS. (a) If a quorum is  
4 present, the board of adjustment may take action under this section by a majority  
5 vote of the members present.

6           (b) 1. If only 3 members of the board of adjustment are present and the board  
7 of adjustment contains more than 3 members, and if the vote on any issue results in  
8 a tie, that issue shall be reconsidered at the next scheduled meeting of the board of  
9 adjustment.

10           2. If at the next 2 successive meetings of the board of adjustment a tie vote  
11 results on an issue that is described in subd. 1., the party that appealed to the board  
12 of adjustment may request a special meeting of the board of adjustment, which shall  
13 be held not later than 10 days after the request is made. All members of the board

1 of adjustment shall attend the special meeting. If a member is unable to attend a  
2 special meeting, an alternate member shall attend the special meeting. If one or  
3 more members of the board of adjustment are absent from the special meeting and  
4 if each absent member is not represented by an alternate member of the board of  
5 adjustment, the party that appealed to the board of adjustment may file an action  
6 to recover damages caused by the failure of the board of adjustment to act with all  
7 of its members present at the special meeting.”.

8 **2.** Page 4, line 5: delete lines 5 to 9 and substitute:

9 “62.23 (7) (e) 3m. If a quorum is present, the board of appeals may take action  
10 under this subsection by a majority vote of the members present.

11 **SECTION 5m.** 62.23 (7) (e) 3s. of the statutes is created to read:

12 62.23 (7) (e) 3s. a. If less than 5 members of the board of appeals are present,  
13 and if the vote on any issue results in a tie, that issue shall be reconsidered at the  
14 next scheduled meeting of the board of appeals.

15 b. If at the next 2 successive meetings of the board of appeals a tie vote results  
16 on an issue that is described in subd. 3. a., the party that appealed to the board of  
17 appeals may request a special meeting of the board of appeals, which shall be held  
18 not later than 10 days after the request is made. All members of the board of appeals  
19 shall attend the special meeting. If a member is unable to attend a special meeting,  
20 an alternate member shall attend the special meeting. If one or more members of  
21 the board of appeals are absent from the special meeting and if each absent member  
22 is not represented by an alternate member of the board of appeals, the party that  
23 appealed to the board of appeals may file an action to recover damages caused by the

1 failure of the board of appeals to act with all of its members present at the special  
2 meeting.”.

3 (END)